

Q. YOU KNOW HIS PHONE NUMBER?

A. HE DON'T HAVE A PHONE.

Q. OKAY. WHOSE UH, IN-LAWS, WHO IS THIS GARY BOX NOW,
YOU'RE SAYIN' GARY BOX.

A. THAT'S, THAT'S JUST A FRIEND, A FRIEND OF THE FAMILY.

Q. OKAY. SO WHO GAVE HIM THE CAR.

A. WHO GAVE, CAMERON THE CAR.

Q. YEAH.

A. LEE.

Q. LEE DID. HE JUST TOLD HIM HE AIN'T FEEL LIKE DRIVIN'
HIM HOME YESTERDAY SO, HE, I MEAN ON WEDNESDAY, SO HE
SAID GO AHEAD, USE IT. TAKE THAT CAR BUT YOU KNOW IT
GOT DIRT ON IT SO, BE CAREFUL

QQ. THAT WAS WEDNESDAY.

A. HUH?

QQ. THAT WAS WEDNESDAY.

A. YES.

Q. ANYTHIN' ELSE, ANYTHIN' ELSE YOU CAN UH, REMEMBER ABOUT
THIS JASON?

A. YEAH. I AIN'T, ...

Q. WHAT, WHAT ELSE DO YOU REMEMBER.

A. ...TELL YOU EVERYTHIN'.

Q. WELL THAT'S WHAT YOU, WE WANT THE TRUTH.

A. UH LEE BOUGHT HIS GIRLFRIEND SOME STUFF. SHE GOT ALL
THAT, HER NAME SHATAYNDA NEAL.

Q. ALRIGHT. LEE BOUGHT SOME UH, JEWELRY FOR HER.

A. YEAH. I DON'T KNOW EXACTLY WHAT IT IS. LARRY JUST,
LARRY WAS A LITTLE BIT UPSET BECAUSE LEE, HE WENT WITH

LEE AN' LEE DIDN'T GET HIM NOTHIN'. HE WAS LIKE MAN,
HE BOUGHT THAT, THIS AN' THAT, ALL THIS STUFF.

Q. WHAT'S HER NAME?

A. SHATAYNDA NEAL.

Q. SHATAYNDA, SPELL IT.

A. SHATAYNDA, I DON'T KNOW HOW TO SPELL IT. I JUST KNOW
HER NAME SHATAYNDA NEAL.

Q. WHERE SHE LIVE AT?

A. SEVEN HILLS, YA'LL, YA'LL WAS OVER HER HOUSE.

Q. OKAY. YOU KNOW WHERE SHE LIVE AT, OKAY. ANYTHIN' ELSE
MIKE.

Q. UH NO.

Q. OKAY IS THAT IT JASON, ANYTHIN' ELSE YOU WANNA ADD?

A. NO, I TOLD YOU THE WHOLE TRUTH, NOTHIN' BUT THE TRUTH.

Q. ANYBODY ELSE KNOW ABOUT THIS GUY BEIN' KILLED BESIDES
YOU, LARRY...

A. NO, JUST HAPPEN ON THE HUSH, HUSH.

Q. AN' LEE. YOU NEVER TOLD ANYBODY ELSE, JUST THAT THEY
KNEW YOU HAD A STOLEN CAR.

A. YEAH, YEAH, ONLY THING EVERYBODY KNEW WAS THAT WE HAD A
STOLE CAR, A STOLE TAURAS. AN' THAT'S ABOUT IT.
PEOPLE WAS ASKIN' FOR RIDES, THEY ACT LIKE THEY DIDN'T
CARE.

Q. KNOWIN' IT WAS STOLEN?

A. YEAH. THEY SEEN IT WAS ALL PRETTY, PRETTY BLUE AN' ALL
THAT. SO THEY JUST WAS LIKE DAG, GIVE ME A RIDE.
EVERYBODY WANTED TO RIDE IN IT. PEOPLE KNEW, HE AIN'T

REALLY WANT NOBODY TO GET IN IT THOUGH. HE AIN'T LET
TOO MANY PEOPLE IN IT.

Q. WHO IS THAT, LEE. WHY DID HE LET UH, CAMERON HAVE IT.

A. SHOOO, HE KNEW HE HAD TO GET RID OF THAT CAR, IT WAS
TOO HOT. BUT HEY, I'M TELLIN' THE TRUTH SO I CAN GET
AS FAR AWAY FROM THIS AS I CAN, YOU KNOW WHAT I'M
SAYIN'.

Q. OKAY. OKAY UH, THIS WILL CONCLUDE THE INTERVIEW WITH
UH, JASON HOLMES, END.

Transcribed by:
Natasha V. Ruff
February 8, 1994
Cincinnati Police Division

Form 705B

Case Number 89400661

THE STATE OF OHIO,
Hamilton County, } ss. **Court of Common Pleas**
SUBPOENA FOR WITNESS

To Lee Moore, Jr.,

To Daniel TAMES

You are required to attend on the 2nd day of May A.D. 19⁹⁴
at 9:00 o'clock A.M., in the Court House in Cincinnati, in said County,
before the Hon. Judge Cartolano Judge of said Court, in Room
No. to testify as witness on behalf of State of Ohio
in the case of State of Ohio
versus Jason T. Holmes
and not depart the Court without leave. Fail not under penalty of the law.

NOTICE
REPORT AT PROSECUTING
ATTORNEY'S OFFICE
ROOM # 411

WITNESS my hand and the seal of the said Court at Cincinnati,
this 22nd day of April A.D. 19⁹⁴
JAMES C. CISSELL
Clerk of the Court of Common Pleas of Hamilton County, Ohio

Longano - P0018087/Butler - P0024483
Am I Pres.

By
PRESS FIRMLY

Jack Cottrell Deputy

008614

THE STATE OF OHIO, HAMILTON COUNTY
COURT OF COMMON PLEAS
CRIMINAL DIVISION

STATE OF OHIO : NO. B9400481
Plaintiff : (Judge Morrissey)
vs. : STATE'S RESPONSE TO
LEE MOORE : DEFENDANT'S DEMAND FOR
Defendant : DISCOVERY

Now comes the State of Ohio, by and through its Assistant Prosecuting Attorney, Mark E. Piepmeier, and in response to Defendant's Demand for Discovery provides disclosure and inspection of the following information by the Defendant pursuant to Criminal Rule 16(B):

WITNESSES:

Shatanda Neal 10889 Sprucehill *Griffaud*
Wilma Neal 10889 Sprucehill *Martin*
George Neal 10889 Sprucehill *Tucker*
John Keal 5744 Lake Superior *Lee Moore - alba-*
Bob Schnur Mt. Healthy H.S.
Annette Davis H.C. Coroner
Bill Dean H.C. Coroner
Dr. Gross H.C. Coroner
Ron Camden C.P.D.
Jim Lawson C.P.D.
Jay Green C.P.D. D-5

viewed by members of the Cincinnati Police Division and the Fairfield Police Department. This interview and the statements obtained occurred in violation of the Defendant's rights as guaranteed by the Fifth and Sixth Amendments of the United States Constitution.

Further, the Defendant states that this interview and the statements obtained are inadmissible and in violation of the Defendant's privilege against self incrimination as guaranteed by Miranda vs. Arizona (1966) 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed. 2d 694, Escobedo vs. Illinois (1964) 378 U.S. 478, 84 S.Ct. 1758, 12 L.Ed. 2d 977, State vs. Brewer (1990) 53 Ohio St. 3d 50, 549 N.E.2d 491.

Counsel reserves the right to cite further cases at the evidentiary hearing in this matter.

Timothy J. Deardorff
Timothy J. Deardorff 1848
Attorney for the Defendant

Daniel James
Daniel J. James J-074 8067
Attorney for the Defendant

NOTICE OF HEARING

Please take notice that a hearing on the foregoing Motion has been scheduled for the 5th day of May, 1994 at 10:00 A.M. before Judge Morrissey, Court Room 360 at the Hamilton County Courthouse, Court and Main Streets in downtown Cincinnati.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion was hand delivered to the Office of the Hamilton County Prosecutor, 4th Fl., of the Hamilton County Courthouse, this 21st day of April, 1994.

Timothy J. Deardorff
Timothy J. Deardorff 1848
Attorney for the Defendant

Daniel James
Daniel J. James J-074 8067
Attorney for the Defendant

DANIEL J. JAMES, ATTORNEY AT LAW, 30 E. CENTRAL PARKWAY, 13TH FLOOR
CINCINNATI, OHIO 45202 (513) 721-1997

TEST RESULTS, EXAMINATIONS:

Coroner's Office Lab Reports 318-94-F-S-M (Enclosed)

Coroner's Office Death Record and Autopsy for Melvin Olinger

Page 14 of statement of Jason Holmes (left out of original discovery)

Diagram of Fair Plaza in Fairfield

Diagram of area of 3365 Beekman where body located

ITEMS AVAILABLE FOR INSPECTION (Supplemental):

Receipts from JC Penny



Mark E. Piepmeier, 006894P
Assistant Prosecuting Attorney
914 Main Street
Cincinnati, Ohio 45202
513/632-8534

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon each party or attorney of record in the proceedings for each party by personal delivery on the 19 day of April, 1994.



Mark E. Piepmeier, 006894P
Assistant Prosecuting Attorney

008617

Q. RIGHT.

A. SO SHE TOOK ME HOME, WE ATE. WE DID SOME LIL' STUFF WE GOT, WE GOT SOMETHIN' TO EAT. UH, SHE HAD LEFT, HER BOYFRIEND CALLED AN' TOLD HER TO PICK HIM UP FROM WORK. SO LATER ON THAT NIGHT, LEE CAME OVER AN' WE JUST CHILLED SOME MORE, WE JUST TALKED....

Q. TALKIN' ABOUT WHAT HAPPEN...

A. NO LEE WAS TALKIN' ABOUT WHAT HE WAS GONNA DO WITH THE CAR, THE PLAN.

Q. WHAT WAS THE PLANS TO DO WITH THE CAR?

A. GET IT PAINTED AN' PUT SOME RIMS ON IT. SOME TIRES, SOME NEW, SOME NEW RIMS.

Q. OKAY. AN' WHERE WAS THE GUN AT?

A. UH RIGHT THEN IT WAS UP UNDER MY UH, THE SEAT IN MY ROOM.

Q. IT WAS....

A. IT WAS THERE ALL THE TIME EVERY SINCE, EVERY SINCE UH DUDE, THE MAN GOT KILLED. THAT'S WHERE THE GUN WAS JUST SITTIN'.

Q. YOU WERE HIDIN' GUN IN, IN, UNDER A SEAT IN YOUR ROOM. UNDER THE PILLOW.

Q. OKAY AN' THEN UH, WERE THE BULLETS ALL IN THE GUN...

A. UH MUH. ALL FIVE SHELLS.

Q. AN' UH, YOU SAID YOU WERE, YOU TOLD ME BEFORE YOU WERE GONNA TRY AN' SELL THE GUN.

A. TO RON.

Q. RON WHO?

MARIC
MISSING PAGE
FROM JASON
HOMES STATEMENT
008618

FRANK P. CLEVELAND, M. D.
HAMILTON COUNTY CORONERELLIOT M. GROSS, M. D.
CHIEF DEPUTY CORONER/DIRECTOR OF FORENSIC PATHOLOGYCAROLYN MARATEA
ADMINISTRATIONWILLIAM L. DEAN, M. S.
CHIEF OF FORENSIC SCIENCESHAROLD E. SCHULICK, PH. D.
CHIEF OF TOXICOLOGYINSTITUTE OF FORENSIC MEDICINE
TOXICOLOGY AND CRIMINALISTICS
3159 EATON AVENUE • CINCINNATI, OHIO 45219

TELEPHONE AREA 513

OFFICE 221-4524
LABORATORY 221-4520
MOBILE 221-4529
FAX: 513-221-0307OFFICIAL CRIME LABORATORY REPORTTO: Sergeant John Jay
CPD, Homicide SquadC. L. FILE # 318-94-F-S-M
DATE January 21, 1994
SUBJECT Olinger, Melvin

EXAMINATION REQUESTED BY:

SameTYPE OF EXAMINATION REQUESTED:
ABO Blood Group Comparison

The following is a report of the Crime Laboratory giving the results of examinations conducted on specimens received from your office. This examination has been made with the understanding that the specimen is connected with an official investigation of a criminal matter and the laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of this report in connection with a civil proceeding.

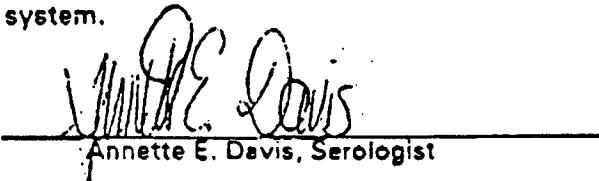
SPECIMENS:

Q-8 ... few pieces of apparent tissue in a plastic bag

K-2 ... blood specimen from the autopsy of Melvin Olinger H-28-94

FINDINGS: The findings below are based upon standard serologic procedures for the identification and typing of body fluids and body fluid stains.

Q-8 - Tissue .. Group O human blood identified.

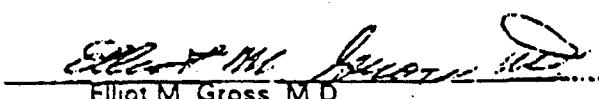
K-2 - Blood from
Melvin Olinger .. Group O in the ABO system.


Annette E. Davis, Serologist

AED:scb

OPINION:

Two slides show autolyzed tissue suggestive of skeletal muscle.



Elliot M. Gross, M.D.
EMG:scb
April 8, 1994

008619



FRANK P. CLEVELAND, M. D.
HAMILTON COUNTY CORONER

ELLIOT M. GROSS, M. D.
CHIEF DEPUTY CORONER/DIRECTOR OF FORENSIC PATHOLOGY

CAROLYN MARATEA
ADMINISTRATOR

WILLIAM L. DEAN, M. S.
CHIEF OF FORENSIC SCIENCES

HAROLD E. SCHUELER, PH. D.
CHIEF OF TOXICOLOGY

TO: Police Specialist Hoffmann
CPD, Homicide Squad

EXAMINATION REQUESTED BY:

Same

INSTITUTE OF FORENSIC MEDICINE
TOXICOLOGY AND CRIMINALISTICS
3159 EDEN AVENUE • CINCINNATI, OHIO 45219

TELEPHONE AREA 513

OFFICE 221-4524
LABORATORY 221-4528
MORGUE 221-4529
FAX: 513-221-0307

OFFICIAL CRIME LABORATORY REPORT

C.L. FILE # 318-94-F-M
DATE January 21, 1994
SUBJECT Olinger, Melvin
TYPE OF EXAMINATION REQUESTED:
Crime Gun Examination/Unfired Ammunition
Hair Examination

The following is a report of the Crime Laboratory giving the results of examinations conducted on specimens received from your office. This examination has been made with the understanding that the specimen is connected with an official investigation of a criminal matter and the laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of this report in connection with a civil proceeding.

SPECIMENS:

Q-1 --- revolver, 6 shot, .357 Magnum chambered Sturm, Ruger & Co., Security Six model, serial number 152-80943 from a CPD gun envelope numbered 5774

Q-2 --- two small lead fragments recovered from Melvin Olinger at autopsy H-28-94

Q-3 --- two unfired Remington brand .357 Magnum cartridges having scalloped jacketed hollow point bullets from a white leather pouch submitted in a CPD property envelope numbered 5690

Q-4 --- cut, black parka with a label "Outdoor Exchange L-42-44" removed from Melvin Olinger at autopsy

Q-5 --- a pair of black slacks labeled "Palm Beach"

Q-6 --- three tape lifts used to collect hairs from the trunk of a blue FORD "TAURUS" with Ohio license: NMN - 685

Q-7 --- four tape lifts used to collect hairs from the passenger compartment of a blue FORD "TAURUS" with Ohio license: NMN - 685

K-1 --- a known head hair sample from Melvin Olinger

FINDINGS: (The findings below are based upon standard firearms identification and examination procedures.)

- a) No malfunctions were encountered in the examination and test firing of the Q-1 revolver.
- b) Prior to test firing, the Q-1 revolver was examined for blood, hairs or fibers with negative results. One chamber, fired more recently than the rest, was noted and marked on the cylinder of Q-1.

FILE NO. 318-94-F-M

- c) The Q-2 lead fragments have a total weight of 0.6 grains and are devoid of usable rifling impressions.
- d) One of the two cartridges of Q-3 was disassembled and found to contain 15.6 grains of flattened ball propellant and a flat base 158 gr., scalloped, jacketed hollow point bullet.
- e) No holes, soot or propellant were seen in the right side of the Q-4 coat. An attached, black nylon hood was still within its zippered collar compartment.
- f) Bullets test fired from the Q-1 revolver did not correspond to any in this laboratory's unsolved shooting file.
- g) Laboratory ammunition of the same brand and type as Q-3 was test fired in the revolver at 4, 6, 12, 18, 24, 30 and 36 inches from a twill or carbon paper faced target for comparison to the density of the stippling pattern depicted in color photographs (transparencies) of the right side of M. Olinger head.

OPINION:

The Q-1 revolver is a functional firearm.

The Q-2 lead fragments cannot be further categorized.

No gunshot residue pattern was detected on the Q-4 parka.

The stippling density depicted in photographs of the right side of Mr. Olinger's head is consistent with a distance greater than 6 inches but less than 30 inches for a shot from the Q-1 revolver with ammunition of the same type as the Q-3 cartridges.



William A. Schrand, Firearms Examiner

WAS:scb

RESULTS:

A search for foreign hairs on the victim's clothing, Q-4 and Q-5, was negative.

A microscopic examination of the tape lifts, Q-6, revealed several caucasian head hairs. These hairs corresponded in color, configuration, and microscopic characteristics to hairs from Melvin Olinger, K-1.

A microscopic examination of the tape lifts, Q-7, revealed numerous, short, head hair fragments. These fragments displayed negroid characteristics, but were too short for further examination.

OPINION:

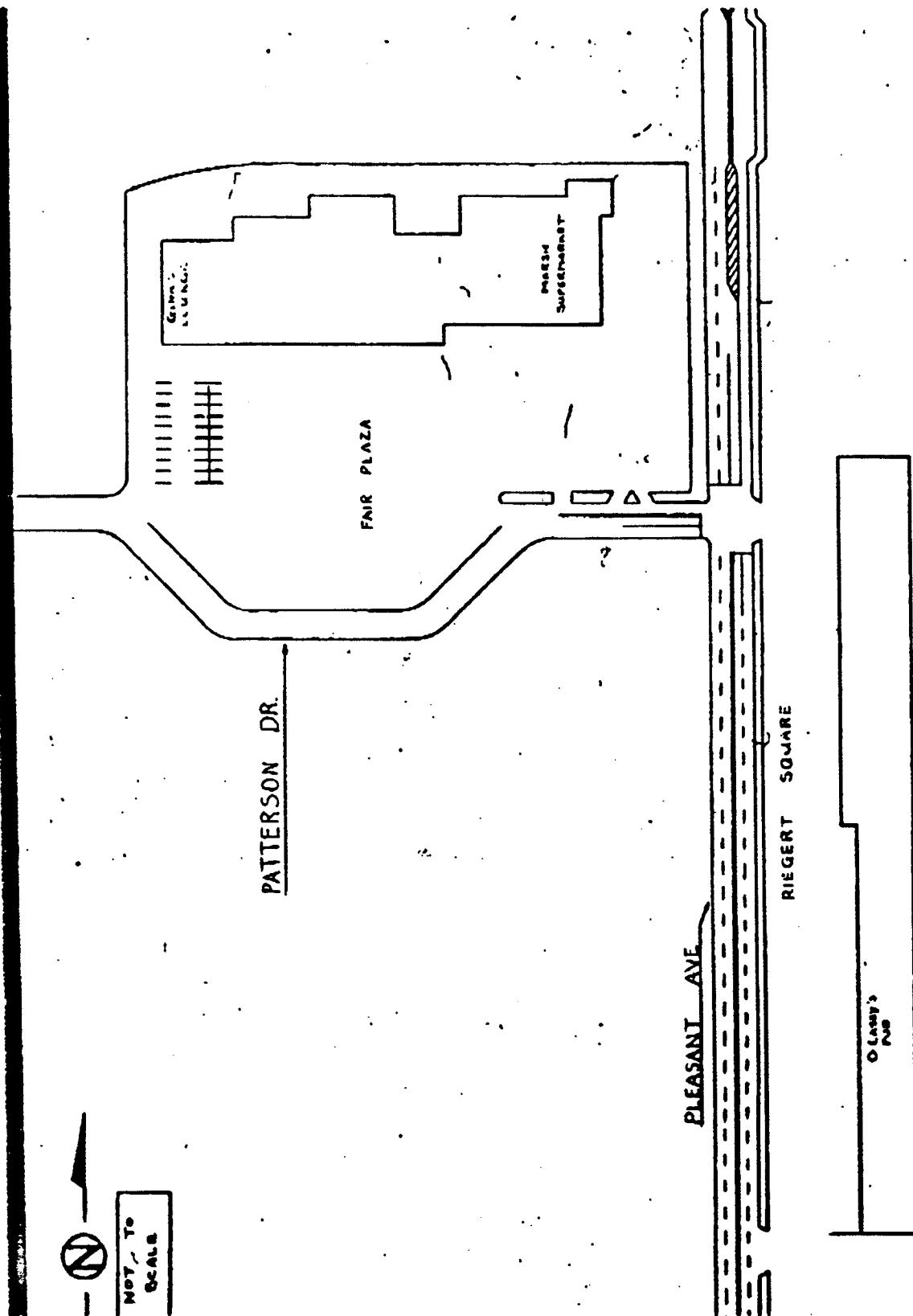
The above results are consistent with head hairs of Melvin Olinger being present in the trunk of the blue FORD "TAURUS".



William L. Dean, Trace Evidence Examiner

WLD:scb
March 18, 1994

008621



3- 6-95
 Attorney - Plaintiff
 Attorney - Defendant
 Cur Judge -

APPEARANCE DOCKET
 ROBERT RUEHLMAN

BA 94-0481
 Z-9999
 Z-0009
 141

STATE OF OHIO vs. LEE MOORE

Direct hearing
 MC# 94CRA1926
 94CRA1927A&B
 BOND: \$1,000,000

Total Deposits \$.00
 Total Costs \$2,949.00

STATE OF OHIO
 vs.
 LEE MOORE
 1101 CLEARBROOK DR
 CINCINNATI OH 45229

Race: B Age: 19 Sex: M

Filed: 1-27-94 0005 - WARRANT ON INDICTMENT

IMAGE	DATE	REF#	DESCRIPTION	AMOUNT	
1	1-27-94	9998	INDICTMENT REPORTED AND FILED. INDICTMENT FOR AGGRAVATED MURDER 2903.01 R.C. W/SPEC; AGGRAVATED ROBBERY 2911.01 R.C. W/SPEC; KIDNAPPING 2905.01 R.C. W/SPEC		
13	1-27-94	9992	PRECIPICE FOR WARRANT FILED AND WARRANT ISSUED.		
13	1-31-94	9980	PLEA OF NOT GUILTY ENTERED AT ARRAIGNMENT.	X = JV/needs	
13	1-31-94	9978	<u>COUNSEL ASSIGNED</u> TIM DEARDORFF DAN JAMES		
2	1-31-94	9976	<u>SIMON L. LEIS JR., SHERIFF:</u> I HAVE IN CUSTODY AND HAVE SERVED COPY OF INDICTMENT ON SAID DEFENDANT BY GERALD BRANDITZ DEPUTY APPLIC. REQUESTING PERMISSION TO BROADCAST, TELEVISE, PHOTO., RECORD COURTROOM PROCEEDINGS.	X	
3	101	1-31-94	9974	APPLIC. REQUESTING PERMISSION TO BROADCAST, TELEVISE, PHOTO., RECORD COURTROOM PROCEEDINGS.	X
4	102	1-31-94	9972	APPLIC. REQUESTING PERMISSION TO BROADCAST, TELEVISE, PHOTO., RECORD COURTROOM PROCEEDINGS.	X
5	103	1-31-94	9970	APPLIC. REQUESTING PERMISSION TO BROADCAST, TELEVISE, PHOTO., RECORD COURTROOM PROCEEDINGS.	X
6	105	1-31-94	9968	CINTI POST <u>ENTRY APPOINTING COUNSEL</u> DAN JAMES AND TIM DEARDORFF	
7	117	1-31-94	9966	<u>ENTRY OF CONTINUANCE</u> 2/9/94	
8	85	2- 9-94	9964	<u>ENTRY OF CONTINUANCE</u> 2/18/94	
9	2-17-94	9962	REQUEST FOR DISCOVERY		
10	2-17-94	9960	MOTION FOR BILL OF PARTICULARS		
11	2-18-94	9958	REQUEST FOR NOTICE OF INTENTION TO USE EVIDENCE O.R.C.R.P. 12 (D) (2)		
12	2-18-94	9956	REQUEST FOR BILL OF PARTICULARS		
13	2-18-94	9954	DEFENDANT'S DEMAND FOR DISCOVERY.		

008623

IMAGE	DATE	REF#	DESCRIPTION	AMOUNT
14	2-18-94	9952	DEFENDANT'S DEMAND FOR DISCLOSURE OF FAVORABLE EVIDENCE.	
81	2-18-94	9950	ENTRY OF CONTINUANCE 7/26/94	
16	2-23-94	9948	STATE'S MOTION FOR DISCOVERY.	
17	2-23-94	9946	BILL OF PARTICULARS	
18	2-23-94	9944	STATE'S RESPONSE TO DEFENDANT'S DEMAND FOR DISCOVERY.	
19	2-23-94	9942	NOTICE TO SUPREME COURT OF OHIO FILING OF INDICTMENT CHARGING AGGRAVATED MURDER WITH SPECIFICATON(S) OF AGGRAVATING CIRCUMSTANCES R.C. 2929.021(A)	
20	3-14-94	9940	REQUEST FOR NOTICE OF INTENTION TO USE EVIDENCE O.R. CR.P. 12 (D) (2)	
21	3-23-94	9938	NOTICE OF SUPREME COURT OF OHIO RETURNED. SUPREME COURT NO. CC94-43	
22	4-21-94	9934	MOTION TO SUPPRESS MOTION.	
23	4-21-94	9932	TO SUPPRESS STATEMENT	
24	4-29-94	9930	STATE'S RESPONSE TO DEFENDANT'S DEMAND FOR DISCOVERY.	
25	4-29-94	9928	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS	
26	5- 6-94	9912	MIKE TIERNAN MEMORANDUM IN OPPOSITION TO AND MOTION TO STRIKE DEFENDANT'S MOTION TO SUPPRESS STATEMENT AND EVIDENCE	
7	5- 9-94	9910	ENTRY OVERRULING MOTION TO SUPPRESS. STATEMENT	
95	5- 9-94	9908	ENTRY OVERRULING MOTION TO SUPPRESS. EVIDENCE	
29	5-10-94	9906	MOTION FOR APPOINTMENT OF MITIGATION SPECIALIST AT PUBLIC EXPENSE	
30	5-16-94	9904	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY	
31	5-25-94	9902	SERVED P.O. MIKE TIERNAN, FAIRFIELD POLICE DEPARTMENT MOTION	
32	5-26-94	9900	FOR ORDER TO FURNISH COPY OF TRANSCRIPT OF MOTION TO SUPPRESS ENTRY GRANTING: MOTION FOR ORDER TO FURNISH COPY OF TRANSCRIPT OF MOTION TO SUPPRESS	
33	5-27-94	9898	MOTION TO DISMISS INDICTMENT	
34	5-27-94	9896	MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE	
35	5-27-94	9894	MOTION TO COMPEL DISCLOSURE OF INFORMATION RELATING TO MITIGATING FACTORS	

			DESCRIPTION	AMOUNT
36	- 5-27-94	9892	MOTION FOR DISCLOSURE OF WITNESSES' STATEMENTS PRIOR TO TRIAL	
37	- 5-27-94	9890	<u>MOTION</u> TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS	
38	- 5-27-94	9888	<u>MOTION</u> FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS	
39	- 5-31-94	9886	<u>MOTION</u> TO PROHIBIT REFERENCES TO THE JURY THAT A VERDICT AS TO DEATH IS ONLY A RECOMMENDATION	
40	- 5-31-94	9884	<u>MOTION</u> TO PROHIBIT PROSECUTOR FROM ARGUING AND THE COURT FROM GIVING INSTRUCTIONS MITIGATING FACTORS NOT RAISED BY THE DEFENSE	
41	- 5-31-94	9882	<u>MOTION</u> TO ALLOW THE DEFENSE TO ARGUE FIRST AND LAST AT THE MITIGATION PHASE	
42	- 5-31-94	9880	<u>MOTION</u> TO INCREASE THE NUMBER OF PEREMPTORY CHALLENGES WHICH DEFENDANT MAY EXERCISE	
43	- 5-31-94	9878	<u>MOTION</u> FOR COMPREHENSIVE VOIR DIRE	<i>Jury</i>
44	- 5-31-94	9876	<u>MOTION</u> FOR DISCLOSURE OF REBUTTAL WITNESSES	<i>Jury</i>
45	- 5-31-94	9874	<u>MOTION</u> TO PROHIBIT DEATH QUALIFICATION OF JURY <i>Jury</i>	
46	- 5-31-94	9872	<u>MOTION</u> IN LIMINE TO LIMIT PROSECUTOR'S ARGUMENT TO THE AGGRAVATING CIRCUMSTANCE PROVEN AT THE GUILT PHASE	
47	- 5-31-94	9870	<u>MOTION</u> TO PROHIBIT PROSECUTOR FROM COMMENTING ON ACCUSED'S UNSWORN STATEMENT	
48	- 5-31-94	9868	<u>MOTION</u> FOR DISCLOSURE OF IMPEACHING INFORMATION	<i>unsworn Stmt</i>
49	- 5-31-94	9866	<u>MOTION</u> TO PERMIT DEFENSE TO ADMIT ALL RELEVANT EVIDENCE OF SENTENCING PHASE	
50	- 8	9864	<u>ENTRY ON WAIVER OF TRIAL</u> BY JURY	
51	- 11	9862	<u>CERTIFICATION BY TRIAL ATTYS-</u> DEATH PENALTY CASE JURY WAIVER	
234	- 6- 6-94	9860	<u>ENTRY OF CONTINUANCE</u> 8/29/94	
53	- 6-15-94	9858	<u>STATE'S RESPONSE TO</u> DEFENDANT'S MOTION TO PROHIBIT PROSECUTOR FROM COMMENTING ON ACCUSED'S UNSWORN STATEMENT	
54	- 6-15-94	9856	<u>STATE'S RESPONSE TO</u> DEFENDANT'S MOTION FOR DISCLOSURE OF REBUTTAL WITNESSES	

(55)	6-15-94	9854	STATE'S RESPONSE TO DEFENSE MOTION TO ALLOW THE DEFENSE IN ARGUMENTS AND LAST AT THE MITIGATION PHASE
(56)	6-15-94	9852	THE MITIGATION PHASE RESPONSE TO DEFENDANT'S MOTION REGARDING SCOPE OF MITIGATION HEARING
(57)	6-15-94	9850	STATE'S REPLY IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS
(58)	6-15-94	9848	STATE'S RESPONSE TO DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE
(59)	6-15-94	9846	STATE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF AGGRAVATING FACTORS AND INFORMATION RELATING TO MITIGATING FACTORS
(60)	6-15-94	9844	STATE'S REPLY IN OPPOSITION TO THE DEFENDANT'S MOTION FOR DISCLOSING WITNESS STATEMENTS PRIOR TO TRIAL
(61)	6-15-94	9842	STATE'S RESPONSE TO DEFENDANT'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS
(62)	6-15-94	9840	STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DISCLOSURE OF IMPEACHING INFORMATION
(63)	6-15-94	9838	STATE'S RESPONSE TO DEFENDANT'S MOTION TO LIMIT PROSECUTOR'S ARGUMENT TO THE AGGRAVATING CIRCUMSTANCES PROVEN AT THE FIRST PHASE
(64)	6-15-94	9836	STATE'S REPLY TO DEFENDANT'S MOTION TO PROHIBIT DEATH QUALIFICATION OF JURY
(65)	6-15-94	9834	STATE'S RESPONSE TO DEFENDANT'S MOTION FOR COMPREHENSIVE VOIR DIRE
(66)	6-15-94	9832	STATE'S RESPONSE TO MOTION RULING ON NUMBER OF PEREMPTORY CHALLENGES
(67)	6-15-94	9830	STATE'S RESPONSE TO DEFENDANT'S MOTION TO PROHIBIT THE PROSECUTOR FROM ARGUING AND THE COURT FROM GIVING INSTRUCTIONS REGARDING STATUTORY MITIGATING FACTORS NOT RAISED BY THE DEFENSE
(68)	6-15-94	9828	STATE'S RESPONSE TO DEFENDANT'S MOTION TO PROHIBIT REFERENCES TO THE JURY THAT A VERDICT AS TO DEATH IS ONLY A RECOMMENDATION
(69)	6-17-94	9826	MOTION TO WITHDRAW ENTRY ON WAIVER OF TRIAL BY JURY
(70)	86	6-20-94	9824 MOTION FOR FUND TO RETAIN MITIGATION SPECIALIST
(71)	114	6-21-94	9822 ENTRY GRANTING MOTION TO WITHDRAW ENTRY ON WAIVER OF TRIAL BY JURY
(72)	6-20-94	9820	CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED

IMAGE 73	DATE 86 Case 1:94-cv-00023-SJD-MPM Document 120-35 Filed 08/08/2005	REF# 9816	DESCRIPTION ENTRY OVERRULING DEFT'S MOTION TO PROHIBIT REFERENCES TO THE JURY THAT A VERDICT AS TO DEATH IS ONLY A RECOMMENDATION	AMOUNT
74	87 6-27-94	9814	ENTRY OVERRULING DEFT'S MOTION TO INCREASE THE NUMBER OF PEREMPTORY CHALLENGE	Jury
75	88 6-27-94	9812	ENTRY OVERRULING DEFT'S MOTION TO ALLOW THE DEFENSE TO ARGUE FIRST & LAST	
76	89 6-27-94	9810	AT THE MITIGATION PHASE ENTRY OVERRULING DEFT'S MOTION TO DISMISS	
77	90 6-27-94	9808	ENTRY OVERRULING DEFT'S MOTION FOR INDIVIDUAL	Jury
78	91 6-27-94	9806	SEQUESTERED VOIR DIRE ENTRY OVERRULING DEFT'S MOTION FOR DISCLOSURE	
79	92 6-27-94	9804	OF WITNESS STATEMENTS PRIOR TO TRIAL ENTRY OVERRULING DEFT'S MOTION TO PROHIBIT	
80	8- 1-94	9802	DEATH QUALIFICATION OF JURY CLERK'S TRANSCRIPT FEE FOR AN	
81	8- 1-94	9798	INDIGENT DEFENDANT - FILED CLERK'S TRANSCRIPT FEE FOR AN	
82	8- 4-94	9794	INDIGENT DEFENDANT - FILED REQUEST FOR CONTINUANCE	
83	8- 4-94	9792	MOTION FOR APPOINTMENT OF PSYCHOLOGIST TO ASSIST IN PREPARATION OF DEFENSE	
84	8- 5-94	9790	SUBPOENA FOR WITNESS ISSUED TO SHATUNDA NEAL JOHN JANNIGAN DAN RINGEL GAIL THOMAS DARRELL ANDERSON CAMERON CALLERY	
85	8- 5-94	9788	SUBPOENA FOR WITNESS ISSUED TO V GILLIAM PREPAID WITNESS	
86	8- 5-94	9786	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS DON GARRETT	
87	8- 5-94	9784	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS ED ROBERTS	
88	8- 5-94	9782	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS BOBO DENNERT	
89	8- 5-94	9780	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS CHARLOTTE JAMES	
90	8- 5-94	9778	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS NOAH OLINGER	
91	8- 5-94	9776	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS KRISTA MCKINNEY	
92	8- 5-94	9774	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED VENETTA GILLIAM	

95-111 8-5-94 4772 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED P.O. DON GARFETI

95-111 8-5-94 4773 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED SGT. BO RIBBERTS

95-111 8-5-94 4774 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED CHARLOTT JAMES

95-111 8-5-94 4775 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED NOAH OLINGER

95-111 8-5-94 4776 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED KRISTA MCKINNEY

95-111 8-5-94 4777 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED DET. BOB DENNERT

95-111 8-5-94 4778 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED JANMIGAY

95-111 8-5-94 4779 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED SHATUNDA NEAL

95-111 8-5-94 4780 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED GAIL RINGEL

95-111 8-5-94 4781 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED DARRELL ANDERSON

95-111 8-5-94 4782 SUBPOENA FOR WITNESS
RETURNED AND ENDORSED
BY FOREIGN SHERIFF
BUTLER COUNTY
SERVED CAMERON GILLERY

95-111 8-12-94 4743 ENTRY GRANTING MOTION
FOR APPOINTMENT OF PSYCHOLOGIST
TO ASSIST IN PREPARATION OF
DEFENSE

95-111 8-12-94 4746 ENTRY OF CONTINUANCE
11/7/94

95-111 8-14-94 4744 SUBPOENA FOR WITNESS ISSUED TO
PREPAID WITNESS
NOAH OLINGER

95-111 8-19-94 4742 SUBPOENA FOR WITNESS ISSUED TO
PREPAID WITNESS
CHARLOTTE JAMES

95-111 8-19-94 4740 SUBPOENA FOR WITNESS ISSUED TO
PREPAID WITNESS
KRISTA MCKINNEY

95-111 8-19-94 4738 SUBPOENA FOR WITNESS ISSUED TO
PREPAID WITNESS
VENETTA GILLIAM

8-19-94	9736	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS ED ROBERTS
8-19-94	9734	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS DON GARRETT
8-19-94	9732	SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS BOB DENNERT
8-19-94	9730	SUBPOENA FOR WITNESS ISSUED TO SHATUNDA NEAL JOHN JANNING DAN RINGEL GAIL THOMAS CAMERON CALLERY DARRELL ANDESON
8-19-94	9728	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-19-94	9726	SERVED NOAH OLINGER SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-19-94	9724	SERVED CHARLOTTE JAMES SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-19-94	9722	SERVED KRISTA MCKINNEY SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-19-94	9720	SERVED VENETTA GILLIAM SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-19-94	9718	SERVED SGT. ED ROBERTS SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-19-94	9716	SERVED P.O. DON GARRETT SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-22-94	9714	SERVED DET. BOB DENNERT SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-22-94	9712	SERVED NOAH OLINGER SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY
8-22-94	9710	SERVED SGT. ED ROBERTS SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED P.O. DON GARRETT

IMAGE	DATE	REF #	DESCRIPTION	AMOUNT
	8-18-94	9708	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED CHARLOTTE JAMES	
102	8-18-94	9706	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED KRISTA MCKINNEY	
	8-18-94	9704	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED VENETTA GILLIAM	
	8-18-94	9702	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED DET. BOB DENNERT ENTRY APPOINTING COURT PSYCHIATRIC CENTER FOR EXAMINATION.	
103	8-22-94	9700	SUBPOENA FOR WITNESS RETURNED AND ENDORSED SHATUNDA NEAL	
	8-23-94	9698	SUBPOENA FOR WITNESS RETURNED AND ENDORSED DARRELL ANDERSON	
104	8-23-94	9696	SUBPOENA FOR WITNESS RETURNED AND ENDORSED CAMERON CALLERY	
	8-23-94	9694	SUBPOENA FOR WITNESS RETURNED AND ENDORSED JOHN JANNING	
104A	8-22-94	9690	SUBPOENA FOR WITNESS RETURNED AND ENDORSED DAN RINGEL	
105	8-23-94	9688	SUBPOENA FOR WITNESS RETURNED AND ENDORSED GAIL THOMAS	
106	8-29-94	9686	MOTION TO TAKE DEPOSITION OF DR. ELLIOT GROSS UNDER CRIMINAL RULE 15	
107	9- 2-94	9684	CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED	
	9- 1-94	9680	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED SGT. ED ROBERTS	
108	9- 1-94	9678	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED CHARLOTTE JAMES	
	9- 1-94	9676	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED NOAH OLINGER	
	9- 1-94	9674	SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF BUTLER COUNTY SERVED VENETTA GILLIAM	